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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **WENDY MARIE HAWKINS**  
13 **32134 Cala Torrente**  
14 **Temecula, CA 92592**

15 **Registered Nurse License No. 520622**

16 Respondent.

Case No.

**2011- 880**

**A C C U S A T I O N**

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about March 25, 1996, the Board of Registered Nursing issued Registered  
24 Nurse License Number 520622 to Wendy Marie Hawkins (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on November 30, 2011, unless renewed.

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(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

....

9. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

10. Section 4060 of the Code states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor

### REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **DRUG**

7 13. Methamphetamine is a Schedule II controlled substance as designated by Health  
8 and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business  
9 and Professions Code section 4022.

10 **FACTS**

11 14. On or about the morning of June 3, 2010, Respondent and her ten-year-old son  
12 were passing through the security screening at the Ontario International Airport in San  
13 Bernardino County. A TSA security officer screened Respondent's purse and located inside a  
14 make-up bag a glass pipe, a foil pipe, and a small, brown glass bottle with a black top.  
15 Respondent told the officer that the items belonged to her, and that the small glass bottle  
16 contained methamphetamine ("It's meth. It's mine. I've got a problem and I want it to stop.")  
17 The Ontario Police Department arrested Respondent for possession of a controlled substance,  
18 under the influence of a controlled substance, and possession of controlled substance  
19 paraphernalia. Respondent's 10-year-old son was retrieved by his father at the airport.

20 15. On or about October 12, 2010, in the matter of *People of the State of California vs.*  
21 *Wendy Marie Hawkins*, in San Bernardino County Superior Court, case number MWV1003527,  
22 Respondent pled guilty to violating Health and Safety Code section 11377, subdivision (a),  
23 possession of a controlled substance, to wit, methamphetamine; and Health and Safety Code  
24 section 11364, subdivision (a), possession of controlled substance paraphernalia. As a result of  
25 the plea, the court deferred entry of judgment for a period of 18 months and Respondent was  
26 ordered to enroll in a drug treatment program pursuant to Penal Code section 1000. The court  
27 will withdraw the guilty plea and dismiss the charges if Respondent provides proof of successful  
28 completion of the drug program on or before April 17, 2012.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Illegal Possession of a Controlled Substance & Paraphernalia)

3 16. Respondent is subject to disciplinary action under section 2761, subdivision (a) and  
4 section 2762, subdivision (a) of the Code for unprofessional conduct, in that on or about October  
5 12, 2010, as described in paragraph 14, above, Respondent possessed methamphetamine and  
6 paraphernalia used to smoke methamphetamine without a prescription in violation of section  
7 4060 of the Code.

8 **PRAYER**


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 520622, issued to Wendy  
12 Marie Hawkins;

13 2. Ordering Wendy Marie Hawkins to pay the Board of Registered Nursing the  
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 4/25/11

19 *for*   
20 LOUISE R. BAILEY, M.ED., RN  
21 Executive Officer  
22 Board of Registered Nursing  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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